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09/982,787	10/22/2001	Tsuyoshi Namiki	Q66831	8411

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2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

EXAMINER

PATEL, NIRAV B

ART UNIT	PAPER NUMBER
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2135

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/31/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/982,787

Applicant(s)

NAMIKI ET AL.

Examiner

Nirav Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 November 2006(Amendment).
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10, 18-20 and 31-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10, 18-20 and 31-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's amendment filed on November 08, 2006 has been entered. Claims 8-10, 18-20 and 31-43 are pending. Claims 8 and 18 are amended by the applicant. Claims 31-43 are new added claims by the applicant.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 8, 18 and 31-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al (US Patent No. 6,320,829) and in view of Yamada et al (US Patent No. 6,490,683).

As per claim 8, Matsumoto teaches:

a reproducing limit information detecting device for detecting the first reproducing limit information [Fig. 3, col. 3 lines 55-60]; a confirming device for confirming whether the first reproducing limit information matches the second reproducing limit information; and an output control device for, supplying the recording information based on the first reproducing limit information only when the confirming device confirm that the first

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reproducing limit information matches the second reproducing limit information [col. 3 lines 64-67, col. 4 lines 1-6, 54-61, Table → col. 11,12].

Matsumoto teaches a reproducing limit information extracting device for extracting the second reproducing limit information [Fig. 3, col. 3 lines 60-64] and extracting the error correction code by the ECC demodulator [Fig. 3]. Matsumoto doesn't expressively mention extracting the second reproducing limit information (i.e. watermark) from the one part of the ECC blocks.

Yamada teaches extracting device for extracting the second reproducing limit information (i.e. watermark) from the one part of the ECC blocks [Fig. 5, 4, col. 2 lines 1-5, col. 15 lines 60-62].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Yamada with Matsumoto, since one would have been motivated to prevent unauthorized copying of a recordable digital data [Yamada, col. 1 lines 11-17, 59-60].

As per claim 18, is a method claim corresponds to apparatus claim 8 and is rejected for the same reason set forth in the rejection of claim 8 above.

As per claim 31, Matsumoto teaches:

a receiving device for receiving a contents information from an external source, the contents information including an audio visual information and a reproducing limit information, the reproducing limit information being supplied with the audio visual

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information and used for controlling the manner in which the audio visual information is reproduced [Fig. 2 or 4, col. 8 lines 16-30]; a converting device for converting the audio visual information and the reproducing limit information into ECC blocks [col. 8 lines 31-36, Fig. 2].

Yamada teaches:

an embedding device for embedding the reproducing limit information in the ECC blocks created by the converting device by converting the audio visual information in order to generate embedded ECC blocks so that part of the ECC blocks is replaced with a replacement information based on the reproducing limit information [Fig. 6, 2, 1B, col. 19 lines 38-40, col. 6 lines 27-32, col. 18 lines 3-11]; and a recording device for recording the embedded ECC blocks into a recording medium [Fig. 2].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Yamada with Matsumoto, since one would have been motivated to prevent unauthorized copying of a recordable digital data [Yamada, col. 1 lines 11-17, 59-60].

As per claim 32, the rejection of claim 31 is incorporated and Yamada teaches:

the part of the ECC blocks is located at an edge of the ECC outer code adjacent to the ECC inner code [Fig. 1B, 7B, 2, col. 16 lines 52-67, col. 17 lines 1-4].

As per claim 33, the rejection of claim 8 is incorporated and Yamada teaches:

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the second reproducing limit information is embedded according to an insertion table [Fig. 6, col. 18 lines 12-19].

As per claim 34, the rejection of claim 33 is incorporated and Yamada teaches:

the reproducing limit information extracting device extracts the second reproducing limit information according to the insertion table [Fig. 5, col. 15 lines 58-62, col. 20 lines 54-62].

As per claim 35, the rejection of claim 34 is incorporated and Yamada teaches:

the insertion table indicates that the insertion position of the second reproducing limit information is different for different ECC blocks [Fig. 6, col. 16 lines 39-42, col. 18 lines 12-19, Fig. 1B, 7B].

As per claim 36, the rejection of claim 35 is incorporated and Yamada teaches:

The second reproducing limit information is embedded into each of the ECC blocks [col. 2 lines 36-39].

As per claim 37, the rejection of claim 18 is incorporated and is a method claim corresponds to apparatus claim 33 and is rejected for the same reason set forth in the rejection of claim 33 above.

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As per claim 38, the rejection of claim 37 is incorporated and is a method claim corresponds to apparatus claim 34 and is rejected for the same reason set forth in the rejection of claim 34 above.

As per claim 39, the rejection of claim 38 is incorporated and is a method claim corresponds to apparatus claim 35 and is rejected for the same reason set forth in the rejection of claim 35 above.

As per claim 40, the rejection of claim 39 is incorporated and is a method claim corresponds to apparatus claim 36 and is rejected for the same reason set forth in the rejection of claim 36 above.

As per claim 41, the rejection of claim 31 is incorporated and it encompasses limitations that are similar to limitations of claim 33. Thus, it is rejected with the same rationale applied against claim 33 above.

As per claim 42, the rejection of claim 41 is incorporated and it encompasses limitations that are similar to limitations of claim 35. Thus, it is rejected with the same rationale applied against claim 35 above.

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As per claim 43, the rejection of claim 42 is incorporated and it encompasses limitations that are similar to limitations of claim 36. Thus, it is rejected with the same rationale applied against claim 36 above.

3. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al (US Patent No. 6,320,829) in view of Yamada et al (US Patent No. 6,490,683) in view of Park (US Patent No. 6,028,932) and in view of Nagai et al (US Patent No. 6,938,162).

As per claim 9, the rejection of claim 8 is incorporated and Matsumoto teaches that encrypting the content using the identification information [col. 17 lines 32-35]. Matsumoto doesn't expressively mention a start information recording area.

Park teaches:

said recording medium having a start information recording area, said start information recording area in which start information detected at starting the reproducing of the recording information is recorded [Fig. 2, 5, 6, 7, 11B], said start information on which key information is embedded, a key information detecting device for detecting the key information from the start information recording area [Fig. 11B, col. 3 lines 1-4, 7-9, col. 5 lines 49-52].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Park with Matsumoto and Yamada, since one would

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have been motivated to prevent unauthorized copying of digital data [Park, col. 1 lines 9-11].

Matsumoto teaches that encrypting the content using the identification information [col. 17 lines 32-35]. Matsumoto and Park don't expressively mention that key information for encrypting cryptographic information used for encrypting the recording information.

Nagai teaches:

key information for encrypting cryptographic information used for encrypting the recording information is embedded, said cryptographic information which is encrypted by using the key information and added to the recording information with which the first reproducing limit information is recorded [Fig. 1, 6B, 13, col. 4 lines 36-61], said key information which is generated by using identification information, said identification information particular to each recording medium and recorded in the recording medium [col. 4 lines 50-61];

wherein said information reproducing apparatus further comprises: an encrypted cryptographic information detecting device for detecting the encrypted cryptographic information from the recording medium; an obtaining device for decoding the detected encrypted cryptographic information by using the detected key information and obtaining original cryptographic information; and a decoding device for decoding the extracted original recording information by using the obtained original cryptographic information and supplying the decoded recording information to the output control device [Fig. 26, col. 41 lines 1-9, 21-44].

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Nagai with Matsumoto, Yamada and Park, since one would have been motivated to prevent unauthorized digital copying from being performed from an optical disk (recording medium) [Nagai, col. 1 lines 18-20].

As per claim 19, the rejection of claim 18 is incorporated and is a method claim corresponds to apparatus claim 9 and is rejected for the same reason set forth in the rejection of claim 9 above.

4. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto et al (US Patent No. 6,320,829) in view of Yamada et al (US Patent No. 6,490,683) and in view of Nagai et al (US Patent No. 6,938,162).

As per claim 10, the rejection of claim 8 is incorporated and Matsumoto teaches that encrypting the content using the identification information [col. 17 lines 32-35]. Matsumoto doesn't expressively mention that key information for encrypting cryptographic information used for encrypting the recording information.

Nagai teaches:

said recording medium in which content information indicating the content of the recording information is recorded [Fig. 25, 21], said content information on which key information for encrypting cryptographic information used for encrypting the recording information is embedded, said cryptographic information which is encrypted by using

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the key information and added to the recording information with which the first reproducing limit information is recorded [Fig. 1, 6B, 13, col. 4 lines 36-61, Fig. 26], said key information which is generated by using identification information, said identification information particular to each recording medium and recorded in the recording medium [col. 4 lines 50-61]; a key information detecting device for detecting the key information from the recording medium [Fig. 26]; wherein said information reproducing apparatus further comprises: an encrypted cryptographic information detecting device for detecting the encrypted cryptographic information from the recording medium; an obtaining device for decoding the detected encrypted cryptographic information by using the detected key information and obtaining original cryptographic information; and a decoding device for decoding the extracted original recording information by using the obtained original cryptographic information and supplying the decoded recording information to the output control device [Fig. 26, col. 41 lines 1-9, 21-44].

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Nagai with Matsumoto and Yamada, since one would have been motivated to prevent unauthorized digital copying from being performed from an optical disk (recording medium) [Nagai, col. 1 lines 18-20].

As per claim 20, the rejection of claim 18 is incorporated and is a method claim corresponds to apparatus claim 10 and is rejected for the same reason set forth in the rejection of claim 10 above.

Response to Amendment

5. Applicant has amended claims 8 and 18, and added new claims 31-43, which necessitated new ground of rejection. See rejection above.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Yamazaki et al (US 6504801) ---Optical disk system for reading and writing data in a plurality of units of sectors.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nirav Patel whose telephone number is 571-272-5936. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

NBP

1/29/07



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